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By ECF

March 17, 2017

Hon. Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD)(SN)
Aguilar v. Kingdom of Saudi Arabia, No. 16-cv-9663
Addesso v. Kingdom of Saudi Arabia, No. 16-cv-9937
Hodges v. Kingdom of Saudi Arabia, No. 17-cv-117
Aiken v. Kingdom of Saudi Arabia, No. 17-cv-450

Dear Judge Netburn:

It has come to my attention that counsel for Plaintiffs in the *Aguilar*, *Addesso*, *Hodges*, and *Aiken* cases have filed a motion in those cases seeking the Court's authorization to serve a group of Defendants by publication. According to the motion, the Defendants at issue include:

The Saudi Bin Ladin Group
Mohamed Binladen Group
Mohamed Binladen Organization
Prince Mohamed Bin Faisal Al Saud
the National Commercial Bank
Yasin Kadi
the Muslim World League
the International Islamic Relief Organization
the World Assembly of Muslim Youth
the Al Haramain Islamic Foundation
the Al Rajhi Bank
the Dubai Islamic Bank
Dallah Avco Trans Arabia

E.g., *Aguilar*, Case No. 16-cv-9663, ECF No. 7, at 2. The Plaintiffs' counsel have notified only counsel for the Kingdom of Saudi Arabia about this motion.

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Although my firm does not represent any of those Defendants,¹ I am the present liaison for the Defendants' Executive Committee, and in that capacity I think it is appropriate for me to call certain facts to the Court's attention.

With the exception of Prince Mohamed and the Al Haramain Islamic Foundation (Saudi Arabia), all of the above Defendants are currently represented by counsel in MDL No. 03-1570, as reflected in the docket sheet. I have made inquiries of those counsel and it does not appear that counsel for Plaintiffs contacted any of them to discuss service, to request an address for service, or to request a waiver of service.

Counsel for Plaintiffs also did not file their motion in the MDL docket, which would have alerted counsel for the relevant Defendants through the ECF system. The *Aguilar*, *Addesso*, *Hodges*, and *Aiken* dockets all state that those cases have been consolidated with the MDL, so it is unclear why the motion itself was not filed in the MDL.

In addition, Prince Mohamed Bin Faisal Al Saud died on January 14, 2017. His death is mentioned on his Wikipedia page, which is the first result on the first page of a Google search for his name.² Plaintiffs' apparent unawareness of Prince Mohamed's death is in some tension with their representation in their motion that they have "conduct[ed] extensive research" and that "conventional internet search efforts" were "futile." *E.g.*, *Aguilar*, ECF No. 7, at 3, 6.

In view of these facts, I respectfully suggest that Plaintiffs' motion appears to be premature and should be dismissed on that basis.

Sincerely,

/s/ Alan R. Kabat

Alan R. Kabat
Defendants' Executive Committee

cc: All MDL Counsel of Record (via ECF)

¹ My firm previously represented the United States branch of the Al Haramain Islamic Foundation, Inc. (USA), which subsequently dissolved. It appears from Plaintiffs' complaint that their allegations are directed against a separate entity, the Al Haramain Islamic Foundation (Saudi Arabia), which my firm does not represent and has never represented.

² Prince Mohamed Bin Faisal Al Saud – Google Search, <https://www.google.com> (enter "Prince Mohamed Bin Faisal Al Saud") (last visited Mar. 15, 2017); Mohammed bin Faisal Al Saud – Wikipedia, https://en.wikipedia.org/wiki/Mohammed_bin_Faisal_Al_Saud (last visited Mar. 15, 2017) (first and last sentences of the article).